

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 202003717	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 7:20 PM	Location of Incident: 620 Atlantic Avenue (Barclays Center); Flatbush Avenue and Pacific Street	Precinct: 78	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/30/2020 12:20 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 05/30/2020 12:20 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Goodman	18413	943315	078 PCT
2. Officers			
3. An officer			
4. LT Jason Cortes	00000	933713	SRG 3
5. CPT Ronald Ramos	00000	935562	SRG 4
6. POM Carl Becker	11065	954539	SRG 3
7. POM Rafael Morla	13749	956114	SRG 3
8. COD Terence Monahan	00000	876747	CD OFF
9. INS Frank Digiacomio	00000	903803	T.A.R.U

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Zakie Karimzada	13358	960745	083 PCT
2. DT2 Orin Cox	01422	922171	106 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Goodman	Abuse: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman threatened § 87(2)(b) with the use of force.	
B.POM Jason Goodman	Discourtesy: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman spoke discourteously to § 87(2)(b)	
C. Officers	Force: At 620 Atlantic Avenue in Brooklyn, officers attempted to strike individuals with batons.	
D. Officers	Force: At 620 Atlantic Avenue in Brooklyn, officers used physical force against individuals.	

Officer(s)	Allegation	Investigator Recommendation
E. Officers	Discourtesy: At 620 Atlantic Avenue in Brooklyn, officers spoke discourteously to individuals.	
F.INS Frank Digiacomio	Force: At 620 Atlantic Avenue in Brooklyn, Inspector Frank Digiacomio used physical force against § 87(2)(b)	
G.POM Jason Goodman	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman used physical force against § 87(2)(b)	
H.POM Jason Goodman	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman struck § 87(2)(b) with a baton.	
I.POM Jason Goodman	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman attempted to strike § 87(2)(b) with a baton.	
J.POM Jason Goodman	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman attempted to strike individuals with a baton.	
K.POM Jason Goodman	Discourtesy: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman spoke discourteously to § 87(2)(b)	
L.INS Frank Digiacomio	Discourtesy: At 620 Atlantic Avenue in Brooklyn, Inspector Frank Digiacomio spoke discourteously to § 87(2)(b)	
M. An officer	Force: At 620 Atlantic Avenue in Brooklyn, an officer used physical force against § 87(2)(b)	
N. An officer	Force: At 620 Atlantic Avenue in Brooklyn, an officer struck § 87(2)(b) with a baton.	
O. Officers	Force: At 620 Atlantic Avenue in Brooklyn, officers used physical force against individuals.	
P.POM Jason Goodman	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman used physical force against individuals.	
Q.POM Jason Goodman	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman used physical force against § 87(2)(b)	
R.POM Jason Goodman	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman attempted to strike § 87(2)(b) with a baton.	
S.COD Terence Monahan	Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against individuals.	
T.COD Terence Monahan	Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against § 87(2)(b) topher § 87(2)(b)	
U.CPT Ronald Ramos	Force: At 620 Atlantic Avenue, Captain Ronald Ramos authorized the use pepper spray against individuals.	
V.CPT Ronald Ramos	Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use pepper spray against § 87(2)(b) topher § 87(2)(b)	
W.LT Jason Cortes	Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes authorized the use of pepper spray individuals.	
X.LT Jason Cortes	Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes authorized the use of pepper spray against § 87(2)(b) topher § 87(2)(b)	
Y.POM Rafael Morla	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Rafael Morla used pepper spray against individuals.	

Officer(s)	Allegation	Investigator Recommendation
Z.POM Rafael Morla	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Rafael Morla used pepper spray against § 87(2)(b) topher § 87(2)(b)	
2A.COD Terence Monahan	Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against § 87(2)(b)	
2B.COD Terence Monahan	Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against individuals.	
2C.CPT Ronald Ramos	Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use of pepper spray against § 87(2)(b)	
2D.CPT Ronald Ramos	Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use of pepper spray against individuals.	
2E.LT Jason Cortes	Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes used pepper spray against § 87(2)(b)	
2F.LT Jason Cortes	Force: At 620 Atlantic Avenue in Brooklyn Lieutenant, Jason Cortes used pepper spray against individuals.	
2G.COD Terence Monahan	Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against individuals.	
2H.CPT Ronald Ramos	Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use of pepper spray against individuals.	
2I.LT Jason Cortes	Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes authorized the use of pepper spray against individuals.	
2J.POM Carl Becker	Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Carl Becker used pepper spray against individuals.	
2K. Officers	Force: At 620 Atlantic Avenue in Brooklyn, officers used pepper spray against § 87(2)(b)	
2L. Officers	Force: At 620 Atlantic Avenue in Brooklyn, officers used pepper spray against § 87(2)(b)	
2M. Officers	Force: At Flatbush Avenue and Pacific Street in Brooklyn, officers used physical force against § 87(2)(b) topher § 87(2)(b)	
2N.CPT Ronald Ramos	Untruthful Stmt.: Captain Ronald Ramos provided a false official statement to the CCRB.	
§ 87(4-b), § 87(2)(g)		

### Case Summary

Between May 30, 2020 and June 10, 2020, § 87(2)(b) and § 87(2)(b) filed this complaint on behalf of themselves, § 87(2)(b) a protester who § 87(2)(b) spoke with after the incident, and unidentified individuals.

On May 29, 2020, at about 7:20 p.m., § 87(2)(b) and § 87(2)(b) attended a Black Lives Matter protest in front of the Barclays Center, located at 620 Atlantic Avenue in Brooklyn. PO Jason Goodman of the 78<sup>th</sup> Precinct allegedly threatened § 87(2)(b) with the use of force and spoke discourteously to him by saying, “I’m going to get you, motherfucker” (**Allegations A-B, Abuse of Authority/Discourtesy, § 87(2)(g)**). Officers allegedly swung their batons at and punched unidentified protesters (**Allegations C-D, Force, § 87(2)(g)**). Officers allegedly called unidentified protesters “motherfuckers” (**Allegation E, Discourtesy, § 87(2)(g)**). Inspector Frank Digiacoimo of the Technical Assistance Response Unit allegedly grabbed § 87(2)(b) hands and pulled them (**Allegation F, Force, § 87(2)(g)**). PO Goodman allegedly pulled § 87(2)(b) toward him and hit him with a baton (**Allegation G-H, Force, § 87(2)(g)**). PO Goodman attempted to strike § 87(2)(b) with a baton (**Allegation I: Force, § 87(2)(g)**). PO Goodman attempted to strike unidentified protesters with a baton (**Allegation J, Force, § 87(2)(g)**). PO Goodman and Inspector Digiacoimo allegedly called § 87(2)(b) a “motherfucker” (**Allegations K-L, Discourtesy, § 87(2)(g)**). An officer allegedly punched § 87(2)(b) in the chest and an officer allegedly struck § 87(2)(b) with a baton (**Allegations M-N, Force, § 87(2)(g)**). Officers allegedly pushed unidentified protesters (**Allegation O: Force, § 87(2)(g)**). PO Goodman allegedly pushed unidentified protesters and § 87(2)(b) (**Allegation P: Force: § 87(2)(g)**; **Allegation Q: Force: § 87(2)(g)**). PO Goodman allegedly swung his baton at § 87(2)(b) (**Allegation R: Force: § 87(2)(g)**). Chief Terence Monahan, formerly of the Office of the Chief of Department, authorized the use of pepper spray against protesters and § 87(2)(b) (**Allegation S-T: Force: § 87(2)(g)**). Captain Ronald Ramos and Lieutenant Jason Cortes, both of the Strategic Response Group (SRG), authorized the use of pepper spray against § 87(2)(b) and unidentified protesters (**Allegations U-X, Force, § 87(2)(g)**). PO Rafael Morla, of SRG, used pepper spray against unidentified protesters and § 87(2)(b) (**Allegation Y-Z, Force, § 87(2)(g)**). Chief Monahan authorized the use of pepper spray against protesters and § 87(2)(b) (**Allegation AA-AB: Force: § 87(2)(g)**). Captain Ramos authorized the use of pepper spray against § 87(2)(b) and unidentified protesters, and Lieutenant Cortes used pepper spray against § 87(2)(b) and unidentified protesters (**Allegations AC-AF, Force, § 87(2)(g)**). Chief Monahan authorized the use of pepper spray against unidentified protesters (**Allegation AG, Force, § 87(2)(g)**). Captain Ramos and Lieutenant Cortes authorized the use of pepper spray against unidentified protesters (**Allegations AH-AI, Force, § 87(2)(g)**). PO Carl Becker, of SRG, used pepper spray against unidentified protesters (**Allegation AJ, Force, § 87(2)(g)**). Officers used pepper spray against § 87(2)(b) and § 87(2)(b) (**Allegations AK-AL, Force, § 87(2)(g)**). At Flatbush Avenue and Pacific Street, across the street from the Barclays Center, officers allegedly performed a forcible takedown of § 87(2)(b) (**Allegation AM, Force, § 87(2)(g)**). On October 13, 2020, Captain Ramos provided a false official statement to the CCRB (**Allegation AN, False Official Statement, § 87(2)(g)**). § 87(4-b), § 87(2)(g) No arrests were made or summonses issued to any of the identified victims of this complaint.

Body-worn camera (BWC) footage was received from NYPD Legal. The footage is attached to IAs# 39-63, 114-140, 175-189, 198, 200, 204-206, 246-247, and 253 (**Board Review 1-75**) and summarized in IAs#142, 168, 190, 199, and 201. Surveillance video was obtained from the

Barclays Center. The surveillance video is attached to IAs#90 and 338 (**Board Review 81-82**) and is summarized in IA#94 (**Board Review 83**). Cell phone video was obtained from online social media platforms (Vimeo.com) and from § 87(2)(b). The cell phone videos are attached to IAs#231 and 148-154 (**Board Review 84-91**) and summarized in IA#337 (**Board Review 86**).

### Findings and Recommendations

**Allegation (C) Force: At 620 Atlantic Avenue in Brooklyn, officers attempted to strike individuals with batons.**

**Allegation (D) Force: At 620 Atlantic Avenue in Brooklyn, officers used physical force against individuals.**

**Allegation (E) Discourtesy: At 620 Atlantic Avenue in Brooklyn, officers spoke discourteously to individuals.**

**Allegation (M) Force: At 620 Atlantic Avenue in Brooklyn, an officer used physical force against § 87(2)(b).**

**Allegation (N) Force: At 620 Atlantic Avenue in Brooklyn, an officer struck § 87(2)(b) with a baton.**

**Allegation (O) Force: At 620 Atlantic Avenue in Brooklyn, officers used physical force against individuals.**

**Allegation (AK) Force: At 620 Atlantic Avenue in Brooklyn, officers used pepper spray against § 87(2)(b).**

**Allegation (AL) Force: At 620 Atlantic Avenue in Brooklyn, officers used pepper spray against § 87(2)(b).**

**Allegation (AM) Force: At Flatbush Avenue and Pacific Street in Brooklyn, officers used physical force against § 87(2)(b).**

### Known facts and general descriptions

§ 87(2)(b) testified that he was at the protest and stood in front of the entrance to the Barclays Center, in front of a row of barricades that separated protesters from officers posted in front of the doors (**Board Review 93**). § 87(2)(b) was at the protest with a group of friends whom he refused to identify. While chanting near the row of barricades, someone behind him, he did not know who, threw a plastic water bottle toward the officers ahead of him. Suddenly, the officers in front of § 87(2)(b) who were behind the barricades started swinging their batons at people in the crowd, punching people, and calling protesters “motherfuckers.” Aside from describing them as white men, § 87(2)(b) could not describe these officers further. PO Goodman grabbed § 87(2)(b) and struck him with a baton (addressed below in Allegation F-H). An officer who § 87(2)(b) could not describe punched § 87(2)(b) in the chest and struck him in the left arm with a baton. § 87(2)(b) backed away from the row of barricades.

§ 87(2)(b) testified that officers he could not describe pushed various unidentified protesters who got close to the barricades (**Board Review 94**). Eventually, officers fired a stream of pepper spray into the crowd which also struck § 87(2)(b) in the face. § 87(2)(b) backed away and someone helped flush out his eyes.

§ 87(2)(b) testified that she was at the protest in front of the arena entrance (**Board Review 95**). After about an hour, she observed a stream of pepper spray go over her head into the crowd. § 87(2)(b) backed away from the front of the Barclays Center. She saw several people whom she did not know on the ground receiving help from other protesters after having been pepper sprayed. § 87(2)(b) heard a broadcast message which warned protesters to leave or be arrested. § 87(2)(b) left the protest to avoid being arrested.

§ 87(2)(b) testified that he left the front of the Barclays Center and walked across the street because he wanted to get away from what was happening in front of the arena (**Board Review 96**). Suddenly, an officer (described by § 87(2)(b) as black male wearing a uniform who stood 6'0" tall, with a muscular build) grabbed him from behind and started pulling his arms behind his back. Two other officers (both described as white men who stood about 5'11" tall and were wearing uniforms with white shirts) also grabbed § 87(2)(b) by the arms. § 87(2)(b) not knowing what was happening, ran backwards and broke free from the officers' grasps. The three officers chased him, grabbed a hold of his arms, and pulled him to the ground. § 87(2)(b) was handcuffed and brought to an MTA bus. After about an hour, the officers on the bus, who were uninvolved in his apprehension, let § 87(2)(b) go because they did not know who his arresting officer was. § 87(2)(b) was not arrested or summonsed.

Cell phone video of the incident obtained from social media captures PO Goodman swinging his baton toward § 87(2)(b) (addressed below within Allegations G-H) (**Board Review 84**). The video is 19-seconds long, does not capture what happens after PO Goodman swings his baton, and does not show if any officer punched § 87(2)(b) or hit him with a baton.

Surveillance video was obtained from the Barclays Center (**Board Review 81**). The camera angle captures the space in front of the entrance to the Barclays Center from overhead. A large gathering of protesters has formed on one side of the barricades and a group of roughly 50 officers has formed on the other side. The group of officers grows as time goes by. At various moments in the video (see for example, at 10:00, 14:00), sudden large movements of officers and protesters at specific areas along the row of barricades are captured. However, due to the distance of the video and the number of people involved, specific individuals or actions cannot be discerned. Throughout the video, various objects are seen moving through the air toward the officers (see for example, at 19:50). The video captures the use of pepper spray by officers against the crowd (see at 20:56, 22:03, and 23:24), which are addressed below.

Cell phone video was obtained from § 87(2)(b) which he obtained from unknown social media sites and which captures § 87(2)(b) being taken into police custody (**Board Review 85**). The video shows officers, a black male wearing a blue uniform, and two white men wearing uniforms with white shirts, approach § 87(2)(b) (who is a white man who was not wearing a shirt during the incident) and grab his arms. § 87(2)(b) breaks free of the officers, runs a short distance down the street, and is caught by the officers and brought to the ground. The video does not reveal any identifying information for these officers. The cell phone video was presented during each officer interview conducted for this case. However, none of the officers could identify the officers who apprehended § 87(2)(b) and they all denied witnessing this aspect of the incident.

### **BWC**

Four BWC requests were submitted to the NYPD Legal Bureau for BWC footage related to this incident. The requests listed various criteria, including the time, date, and location of the incident, the names of identified civilians involved in the incident, and the names of officers identified via detail rosters as having been posted at the location. These requests returned 75 videos from 57 different officers. None of these videos capture the incidents involved in these allegations. Numerous videos capture interactions at locations in the vicinity of the Barclays Center, however most were unrelated to the specific areas where these allegations occurred.

### **NYPD Documents Reviewed**

A request to Patrol Borough Brooklyn South for detail rosters related to coverage of the protest at the Barclays Center returned 22 pages of rosters (**Board Review 97**). The detail roster pages list various assignments for the officers at specific intersections and other landmarks in the vicinity of

the Barclays Center. Only one page lists a total of eight officers who were assigned to a post in front of the entrance to the Barclays Center within the barricades. Regarding the incident involving § 87(2)(b) across the street from Flatbush Avenue and Pacific Street, one page lists eight officers who were posted at that intersection. Only one of these officers was a black man, Det. Orrin Cox of the 106<sup>th</sup> Precinct. The detail roster did not identify any officers posted at the location who were white men and would have been wearing a white shirt.

No Threat, Resistance, and Injury Reports were prepared regarding § 87(2)(b) or § 87(2)(b). Given that no other victims of these allegations could be identified, records requests could not be made to identify other potential victims.

### **Concurrent Investigations**

No concurrent investigations were pursued regarding the allegations involving § 87(2)(b) or § 87(2)(b).

An investigation was conducted by the NYPD Patrol Borough Brooklyn South Investigation Unit specifically regarding PO Goodman's use of a baton against § 87(2)(b) (address below in Allegation H). The case is closed and the allegation against PO Goodman was closed as unsubstantiated. The case file was received and did not contain any information regarding any of the other allegations involving § 87(2)(b) or any other identified victim in this case, and it did not provide any additional leads toward identifying other officers who interacted with § 87(2)(b) (Board Review 130).

### **Ranking Officers**

Chief of Patrol Terence Monahan, the highest-ranking NYPD officer on scene at the protest, testified that he arrived at the Barclays Center at about 4:00 p.m., where about 500-1000 protesters had gathered (Board Review 100). There were about 150 officers standing in front of the entrance to the Barclays Center where a perimeter of barricades had been established. By 6:00 p.m., the size of the crowd in front of the Barclays Center and on the adjacent streets had grown to thousands of people. The crowd in front of the Barclays Center became unruly, set off fireworks, and threw various objects at the officers posted in front of the Barclays Center, including water bottles and bottles containing unknown liquids, screws, bolts, and other objects. Protesters repeatedly attempted to lift and break the row of barricades. Officers pushed back at the barricades as protesters pushed the barricades forward into the officers. During one of these confrontations at the barricades when Chief Monahan was present, Chief Monahan instructed officers to "hold the line" but did not provide any further instruction. Chief Monahan did not see any officer punch or swing their fist at protesters and did not see any officer use their baton against any protesters. At some point as the crowd grew, Chief Monahan requested that additional personnel, both patrol officers and SRG officers, respond to the Barclays Center. At about 6:00 p.m. or 6:30 p.m., Chief Monahan deemed the assembly to be unlawful because the protesters had become violent. A recorded dispersal message and verbal commands to disperse were repeated to protesters beginning at 6:30 p.m. Chief Monahan denied hearing any officer make any verbal threats or use any profanity toward protestors and he denied doing so himself.

### **Officers Interviewed**

Inspector Digiacoia and PO Zakie Karimzada of the 83<sup>rd</sup> Precinct were identified via cell phone video as officers who were standing next to PO Goodman after PO Goodman swung his baton toward § 87(2)(b) (Board Review 101-102). Inspector Digiacoia and PO Karimzada denied punching § 87(2)(b) denied hitting anyone with their batons or swinging their batons at anyone, and denied using any profanity toward any protester. Inspector Digiacoia and PO Karimzada denied seeing any other officer commit any of these actions. Neither of them knew who

was standing around them while they were posted in front of the Barclays Center because there were officers from all over the city posted there.

Captain Ramos, Lieutenant Cortes, PO Becker, and PO Morla testified that they were all working as members of a bicycle squad at the protest (**Board Review 103-106**). All four were posted in front of the entrance to the Barclays Center and were consistent in describing that there was a large crowd in front of the building which eventually started attempting to break the row of barricades. Lieutenant Cortes, PO Becker, and PO Morla used pepper spray against the crowd (addressed below). All four officers denied using a baton against any protester, denied pushing or punching any protesters, and denied using any profanity toward protesters. They all denied seeing any other officer commit any of these actions.

PO Goodman testified that he was posted in front of the Barclays Center alongside officers whom he did not know (**Board Review 107**). On several occasions, protesters disrupted the row of barricades which resulted in officers attempting to hold the barricades in place. PO Goodman did not see other officers push or punch any protesters. Other officers, PO Goodman, did not know who, swung their batons at protesters. PO Goodman said that due to the chaotic circumstances, he could not describe these instances in more detail.

As noted above in the section on police documents, Det. Cox was interviewed as a potential subject officer based on the detail roster which listed him as having been posted at the intersection where § 87(2)(b) was apprehended. During his CCRB interview, Det. Cox acknowledged being posted on Flatbush Avenue, but also noted that he and the officers who were with him from his command were moved to various locations around the Barclays Center during the night (**Board Review 108**). Det. Cox denied that he made any arrests during his tour and denied performing a forcible takedown on any protester. Det. Cox denied being any of the officers captured in the cell phone video and did not know who any of the officers were. Det. Cox denied that he was ever posted in front of the entrance to the Barclays Center.

#### **Allegation Recitation and Disposition**

There is no BWC video capturing any of the allegations discussed above. The surveillance video from the Barclays Center does not capture the interactions involved here and due to the distance of the overhead cameras, did not assist with officer identification. Regarding the pepper spray allegations involving § 87(2)(b) and § 87(2)(b) the investigation found that pepper spray was used against the crowd multiple times (addressed below), however, the investigation could not determine based on the video, when or where § 87(2)(b) or § 87(2)(b) were pepper sprayed, and was unable to determine who pepper sprayed them and whether these actions were justified. The cell phone video of the incident did not assist with officer identification and does not capture FADOs aside from those by PO Goodman, which are addressed below. No records were identified which documented any use of force against § 87(2)(b) or § 87(2)(b). The detail roster listed a small number of officers who were posted at the two incident locations (in front of the entrance to the Barclays Center and at Flatbush Avenue and Pacific Street). However, given the scale of the protest, and the corresponding police response, the detail rosters did not meaningfully assist with officer identification because they did not reflect the arrival of additional officers or the movements of officers from one location to another as the events of the protest unfolded. For these reasons, the investigation could not identify the subject officers of these allegations. § 87(2)(g)

**Allegation (A) Abuse of Authority: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman threatened § 87(2)(b) with the use of force.**



**Allegation (B) Discourtesy: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified that he was standing near the front of the crowd and a row of barricades in front of the entrance to the Barclays Center. Everyone at the front of the crowd started getting bumped forward by other protesters behind them into the barricades in front of them. § 87(2)(b) put his hands up to indicate to the officers in front of him that he was not trying to disrupt the barricades. § 87(2)(b) and PO Goodman became involved in a heated verbal exchange, the substance of which § 87(2)(b) did not remember. PO Goodman pointed at § 87(2)(b) and said, “I’m going to get you, motherfucker.”

§ 87(2)(b) testified that he saw PO Goodman shouting at protesters, but he was never close enough to hear what PO Goodman was saying to them. § 87(2)(b) did not hear PO Goodman use profanity toward anyone.

There is no video evidence of this aspect of the incident. PO Goodman testified that his BWC became dislodged from his body at some point during the protest § 87(4-b), § 87(2)(g).

PO Goodman testified that he was posted in front of the entrance to the Barclays Center where there were 200-250 officers at most, in comparison to the crowd of protesters which grew to be over 2000 people. The protesters grew increasingly hostile and violent toward the officers. The protesters made various threatening remarks against the lives of officers and their families. The protesters threw various objects including glass bottles, bricks, rocks, bleach, and other unknown liquids at officers. Various supervisors on scene, PO Goodman did not know specifically who, gave the officers orders to hold the barricades and to keep the protesters back. PO Goodman gave protesters numerous orders to back up. PO Goodman denied telling any protester, “I’m going to get you, motherfucker.” He denied verbally threatening any protester and he denied using any profanity toward any protesters. PO Goodman provided testimony regarding an incident during which § 87(2)(b) was present and was captured on cell phone video (see Allegations G-J). However, PO Goodman did not recognize § 87(2)(b) specifically based on seeing him in the video and did not recall any specific interactions he had with specific protesters.

§ 87(2)(g)

**Allegation (F) Force: At 620 Atlantic Avenue in Brooklyn, Inspector Frank Digiacoia used physical force against § 87(2)(b)**

**Allegation (G) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman used physical force against § 87(2)(b)**

**Allegation (H) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman struck § 87(2)(b) with a baton.**

**Allegation (I) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman attempted to strike § 87(2)(b) with a baton.**

**Allegation (J) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman attempted to strike individuals with a baton.**

**Allegation (K) Discourtesy: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman spoke discourteously to § 87(2)(b)**

**Allegation (L) Discourtesy: At 620 Atlantic Avenue in Brooklyn, Inspector Frank Digiacoia spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified that while he was chanting amongst the other protesters with his hands up in front of him, someone behind him threw a plastic water bottle toward the officers in front of him.

Suddenly, unidentified officers in front of § 87(2)(b) who were behind the barricades started swinging their batons at protesters in the crowd, punching protesters, and calling protesters “motherfuckers.” An officer, identified by the investigation as Inspector Digiaco, grabbed § 87(2)(b) hands and pulled them down, which § 87(2)(b) believed was an attempt to prevent him from protecting himself. Inspector Digiaco called § 87(2)(b) “motherfucker.” PO Goodman reached over the barricade, grabbed § 87(2)(b) by his shoulder with his left hand, and pulled him toward the barricade. PO Goodman swung his baton at § 87(2)(b) and struck him under his right eye. PO Goodman called § 87(2)(b) “motherfucker.” At this time, an unidentified officer punched § 87(2)(b) in the chest and an unidentified officer hit him in the arm with their baton (see Allegations M-N above). § 87(2)(b) backed away from the barricades. He did not sustain any visible physical injuries as a result of PO Goodman striking him with the baton. He sustained a bruise on his left arm from being hit by the unidentified officer’s baton. § 87(2)(b) did not obtain medical treatment for this injury.

§ 87(2)(b) did not see officers use their batons against anyone and did not see officers push anyone.

A request to the NYPD Legal Bureau did not return any videos from PO Goodman’s BWC related to this incident (see OMN).

A photograph obtained from an unknown source was submitted to the CCRB by § 87(2)(b) (**Board Review 129**). The image depicts PO Goodman with his right arm raised while holding his baton. § 87(2)(b)’s empty right hand is raised chest level and his left hand is not visible in the photo but is down by his left side. Officers in front of § 87(2)(b) are captured reaching near § 87(2)(b) left side, though the image does not depict toward what they are reaching for. An unidentified individual (wearing a white hoodie) standing behind § 87(2)(b) is holding an unknown black rectangular object in his right hand.

A 19-second cell phone video of the incident was obtained from Vimeo.com and captures PO Goodman swinging his baton toward § 87(2)(b) (**Board Review 84**). The video starts with PO Goodman (seen wearing sunglasses) standing in front of the recorder. Standing to PO Goodman’s right is Inspector Digiaco (in a white polo shirt and a baseball cap). At 00:03, § 87(2)(b) who is standing to the left of the recorder (wearing a blue shirt around his head and neck), has his right arm raised upward. § 87(2)(b) is not visible in the video again until 00:11, when his right hand is seen in the air on the left side of the screen. At 00:10 and at 00:12, liquid is captured at the top left corner of the video flying through the air toward officers, though the video does not capture who throws the liquid. The video is focused on the officers standing in front of the recorder and does not capture the actions of other protesters. At 00:13, PO Goodman swings his right hand, which is holding a baton, downward toward § 87(2)(b) who is standing in front of him (wearing a blue shirt and ski goggles over his head). At 00:14, § 87(2)(b) empty left hand is captured raised at his side before he backs away into a crowd of protesters behind him. The video does not capture if PO Goodman struck § 87(2)(b) with the baton. Inspector Digiaco’s right arm is outstretched in front of him and reaching over the barricade in front of him, but the video does not show if he made physical contact with § 87(2)(b). As § 87(2)(b) disappears into the crowd, other protesters who were next to § 87(2)(b) quickly move into the space he had occupied. The camera falls to the ground and the video ends.

PO Goodman testified that throughout the protest, protesters were throwing various objects at officers. After reviewing the cell phone video noted above during his CCRB interview, PO Goodman provided the following information regarding this aspect of the incident: A protester in the crowd threw bleach that went overhead and behind PO Goodman. The protester threw a second

volley of bleach from a cup that hit PO Goodman and officers next to him, and subsequently caused staining to his uniform. PO Goodman and other officers saw the protester in the crowd holding cups. PO Goodman swung his baton at the protester in order to dislodge the cups containing the chemical and to prevent further harm to himself and other officers. PO Goodman did not know what happened to the protester who threw the cups. He did not remember if § 87(2)(b) (apparent in the video wearing ski goggles) was the protester who threw the cups. PO Goodman denied that he hit § 87(2)(b) with his baton or pulled § 87(2)(b) toward him and he did not see any other officer do so. PO Goodman explained that protesters repeatedly threw bottles, rocks, and containers filled with chemicals at officers. At numerous points in time, it was apparent to PO Goodman based on the smell and feel of the liquids, that it was bleach being thrown at the officers, who did not have any shields or other protective equipment. In order to protect himself and other officers from the various projectiles being thrown, PO Goodman swung his baton on other occasions to dislodge the object from the protester's hands. PO Goodman denied that he used any profanity toward any protester, and he did not hear any officer do so. PO Goodman did not have any BWC recordings because his camera became dislodged at some point during the protest.

Inspector Digiacomo's statement was consistent with PO Goodman's in describing that protesters continuously threw various objects and liquids at officers. When shown the cell phone video referenced above during his CCRB interview, Inspector Digiacomo did not recall the specific encounter depicted and did not recognize § 87(2)(b). Inspector Digiacomo did not recall using any force against § 87(2)(b) or any other protester and did not know if § 87(2)(b) was hit with a baton. Inspector Digiacomo denied using any profanity toward protesters and he did not recall if any other officer did so.

Chief Monahan, Captain Ramos, Lieutenant Cortes, PO Becker, PO Morla, and PO Karimzada all denied seeing any officer hit any protester with a baton, swing their baton at any protester, or pull any protester toward the barricades. They all denied hearing any officer use any profanity toward any protester.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable given the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 109**). Members of service should not use impact weapons on persons who are passively resisting. NYPD Patrol Guide, Procedure 221-02 (**Board Review 110**).

Inspector Digiacomo did not recall if he made physical contact or used any physical force against § 87(2)(b). The cell phone video shows Inspector Digiacomo reaching over the barricades but does not show if he made physical contact or used any force against § 87(2)(b). None of the other officers interviewed acknowledged seeing Inspector Digiacomo use any force against § 87(2)(b).  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

The cell phone video does not capture whether PO Goodman struck § 87(2)(b) with his baton or used any other type of force against him. Further, § 87(2)(b) said he sustained no physical injury to his eye as a result of being struck with PO Goodman's baton, and that he did not seek medical treatment as a result of the encounter. None of the other officers interviewed acknowledged seeing PO Goodman use any force against § 87(2)(b).  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (P) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman used physical force against individuals.**

**Allegation (Q) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman used physical force against § 87(2)(b)**

**Allegation (R) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Jason Goodman attempted to strike § 87(2)(b) with a baton.**

§ 87(2)(b) testified that he was standing amongst a large crowd of protesters near the row of barricades discussed in the previous section. PO Goodman pushed protesters who got close to the barricades in the chest. He also swung his baton at protesters, though § 87(2)(b) did not know if PO Goodman's baton made contact with any protesters as a result of him swinging it. After protesters near the front backed away, other protesters stepped forward. This happened repeatedly until § 87(2)(b) was eventually in front of the barricades. PO Goodman placed one hand on § 87(2)(b) chest and pushed him backward. With his other hand, PO Goodman swung his baton toward § 87(2)(b) it did not hit § 87(2)(b) § 87(2)(b) described himself to the CCRB as a § 87(2)(b). [He refused to provide a photo of himself to the investigation.]

§ 87(2)(b) testified she did not see officers use their batons against anyone and did not see any officers push anyone.

PO Goodman testified that on several occasions, protesters unhooked the barricades and pushed themselves into the officers standing on the other side. Supervisors on scene, PO Goodman did not know who, shouted orders to hold the barricades and keep the protestors back. PO Goodman approached the row of barricades, put his hands on them, and pushed the barricades back into place. He gave verbal orders to protesters to back up and they did not comply. PO Goodman used his hands to push people back away from the barricades. Over the span of a few hours, PO Goodman approached the row of barricades several times to assist in holding them in place, with periods in between where the protesters were not pushing the barricades. In trying to prevent the protesters from disrupting the row of barricades, PO Goodman was pepper sprayed by protesters, bleach and other chemicals were thrown at him, he was punched in the face, and he was spit on. As described above, PO Goodman swung his baton at individuals when he saw someone throw objects at officers in order to dislodge the objects that were being thrown and to protect himself and other officers from the projectiles.

PO Goodman acknowledged pushing protesters who were close to the barricades, pushing the barricades, and refusing to comply with orders to move back. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (S) Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against individuals.**

**Allegation (T) Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against § 87(2)(b)**

**Allegation (U) Force: At 620 Atlantic Avenue, Captain Ronald Ramos authorized the use of pepper spray against individuals.**

**Allegation (V) Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use of pepper spray against § 87(2)(b)**

**Allegation (W) Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes authorized the use of pepper spray against individuals.**

**Allegation (X) Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes authorized the use of pepper spray against § 87(2)(b)**

**Allegation (Y) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Rafael Morla used pepper spray against individuals.**

**Allegation (Z) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Rafael Morla used pepper spray against § 87(2)(b)**

§ 87(2)(b) testified that he was at the protest by himself, standing in front of the row of barricades in front of the Barclays Center. Protesters behind him threw water bottles at officers in front of him. Officers fired pepper spray into the crowd, at § 87(2)(b) and other nearby protesters who were not throwing objects or being violent.

As described above, the surveillance video from the Barclays Centers shows a large crowd of protesters gathered in front of the Barclays Center (**Board Review 81**). At the 19:56 minute mark on the media player (visible at the bottom of the screen), the camera zooms in on a section of the barricades. § 87(2)(b) is visible in the middle of the frame (he is a white man with short brown hair wearing no shirt). At 20:29, protesters in the front of the crowd move forward toward the barricades. Officers push the barricades toward the protesters. Arms on the protesters' side of the barricades are seen holding onto the barricades while officers continue holding the barricades as well. At 20:46, the camera zooms out and three bicycle unit officers (wearing neon green shirts) approach the barricades. At 20:56, officers deploy MK-9 Oleoresin Capsicum (OC) pepper spray from a large blue canister, against the crowd. The crowd retreats and officers realign the barricades.

Chief Monahan said he spoke with a supervisor, he did not remember who, from the Disorder Control Unit/SRG and told him, "If they break the barriers, you can use it," in reference to officers using the MK-9 OC spray against the crowd. During the protest, Chief Monahan walked around to observe various areas around the Barclays Center and did not personally observe the use of the MK-9 OC spray against anyone.

Captain Ramos, Lieutenant Cortes, PO Becker, and PO Morla, who were all working at this protest as members of a bicycle unit, provided the following consistent testimony: The officers reported to the area in front of the Barclays Center where other patrol officers were also posted. The officers at this post were vastly outnumbered by protesters who were positioned in front of the row of barricades mentioned above. Protesters threw various objects at officers including bottles, bricks, paint buckets, and other assorted hard objects. The protesters also disrupted the row of barricades by unhooking the individual pieces of the barricades, pushing them, standing on them, and throwing them at officers. Due to the size and violent nature of the crowd and the disruption to the row of barricades, the MK-9 OC Spray was utilized as a method of crowd control in order to back the crowd up, create space for the officers, and allow them to solidify the protective row of barricades. Captain Ramos, Lieutenant Cortes, PO Becker, and PO Morla are all trained in the use of the MK-9 OC spray.

Lieutenant Cortes, PO Becker, and PO Morla testified that the use of the MK-9 was authorized by Captain Ramos. Captain Ramos acknowledged that the MK-9 OC spray was used, but he denied that he instructed officers to use it against the crowd and he denied that he used pepper spray against any protesters.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable given the circumstances. NYPD Patrol Guide, Section 221-01 (**Board Review 109**).

According to NYPD training materials, the MK-9 OC spray can be utilized when danger is perceived or threatened to the bicycle squad and there is no other alternative to ending the threat or danger. The MK-9 OC spray can be utilized to create a zone of safety for the bicycle squad. If the MK-9 OC spray is to be utilized to disperse a violent and/or tumultuous crowd, it must be authorized by a supervisor. Trained personnel may discharge OC spray in a controlled manner towards a threat area containing numerous individuals if there is a need to create a zone of safety (**Board Review 111**).

According to the NYPD's Department Advocate Office, Chief Monahan retired from service as of March 29, 2021 (**Board Review 112**). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (AA) Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against § 87(2)(b)**

**Allegation (AB) Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against individuals.**

**Allegation (AC) Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use of pepper spray against § 87(2)(b)**

**Allegation (AD) Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use of pepper spray against individuals.**

**Allegation (AE) Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes used pepper spray against § 87(2)(b)**

**Allegation (AF) Force: At 620 Atlantic Avenue in Brooklyn Lieutenant, Jason Cortes used pepper spray against individuals.**

§ 87(2)(b) testified that he remained in the crowd near the barricades and continued protesting after the incident described above involving PO Goodman, Inspector Digiacomio, and other officers. While standing about five feet away from the barricades and with his hands up, officers behind the barricades who § 87(2)(b) could not describe, pepper sprayed the crowd, including § 87(2)(b). § 87(2)(b) backed away from the crowd and removed the ski goggles he was wearing, which caused the pepper spray to land in his eyes. The pepper spray also caused § 87(2)(b) face to break out in scabs and acne; he did not seek medical treatment for these injuries.

Lieutenant Cortes' BWC video shows him standing amongst other officers in front of the entrance to the Barclays Center behind the row of barricades (**Board Review 68**). From the start of the video through the 30-second mark of the media player timestamp (visible at the bottom of the screen), numerous objects are seen being thrown in the direction of the officers. At 00:37, Lieutenant Cortes approaches the row of barricades as protesters stand on the other side of them. Officers stand behind the barricades and most are positioned a small distance from the barricades. There is no physical confrontation between officers and protesters, in contrast to what occurred during the previous use of the MK-9 OC spray. At 00:38, Lieutenant Cortes raises a blue MK-9 canister and sprays it at the protesters in front of him, several of whom back away. At 00:43, the spray goes toward § 87(2)(b) (wearing a white t-shirt, with a blue face covering and ski goggles), who is standing in front of the barricades with his hands up. Lieutenant Cortes turns around and walks back toward the Barclays Center entrance.

In the Barclays Center surveillance video, the first use of MK-9 OC spray is captured at the 20:56

minute mark of the media player timestamp (visible at the bottom of the screen) (**Board Review 81**), and in response, the crowd backs away from the barricades. Numerous objects continue to be thrown in the direction of the officers. Starting at 21:28, a crowd begins to return toward the barricades and two clusters of protesters assemble, one in the middle and one at the bottom of the video. In the middle of the screen, protesters stand in the front of the barricades with their arms up. Objects are being thrown in the direction of officers from protesters who are further back from the line of barricades. Officers are also near the barricades; some officers are at arm's length from the barricades with one arm in front of them and a hand on the barricades while others are standing further away from the barricades. At 21:43, protesters visible at the bottom of the screen push a barricade, which appears to prompt a couple officers to step toward that area. The protesters pushing the barricade back away into the crowd and the officers take no further action. At 22:03, officers deploy MK-9 OC spray at the crowd in the middle of and at the bottom of the screen. Both clusters of protesters in front of the barricades are captured standing and most of the protesters have their arms raised over their heads. Numerous protesters back away from the barricades. At 22:11, § 87(2)(b) is still near the barricades with his hands up (near the middle of the screen, wearing a white shirt and ski goggles over a blue face covering). The video does not capture § 87(2)(b) actions or whereabouts before the utilization of the pepper spray addressed above in Allegations S-Z, but § 87(2)(b) is visible in the video at several moments leading up to the pepper spray discharge addressed in this section, and screenshots of those moments are included in Board Reviews 131-135, at 21:35 (**Board Review 131**), 21:45 (**Board Review 132**), 21:55 (**Board Review 133**), 21:59 (**Board Review 134**), and 21:10 (**Board Review 135**). Throughout this period, § 87(2)(b) is captured pacing ahead of the line of barricades with his hands above his head amongst the crowd of protesters in the middle of the screen. Starting at 22:18, a crowd of protesters returns near the barricades. Objects continue being thrown in the direction of officers. At 22:36, at the bottom of the screen, protesters kick at the barricades repeatedly. At 22:54, a protester with a bag at their side who is visible near the middle of the screen (next to the barricades) appears to shout at officers while walking up and down the row of barricades. At 23:09, a protester near the middle of the screen lifts a barricade and throws it at officers.

Lieutenant Cortes testified that he is trained to use MK-9 OC spray, and that he used his MK-9 OC spray after receiving authorization from Captain Ramos. The MK-9 OC spray was used against the violent crowd of protesters which had been throwing objects at officers, pushing officers who were on the opposite side of the barricades, and separating the barricades from each other. Lieutenant Cortes used his MK-9 OC spray to establish a zone of safety in which the officers could protect the line of barricades and push the line of barricades further away from the doors of the Barclays Center.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable given the circumstances. NYPD Patrol Guide, Procedure 221-01 (**Board Review 109**).

According to NYPD training materials, MK-9 OC spray may be utilized when danger is perceived or threatened to the bicycle squad and there is no other alternative to ending the threat or danger. The MK9 OC spray should be utilized to create a zone of safety for the bicycle squad. If the MK-9 OC spray is to be utilized to disperse a violent and/or tumultuous crowd, this must be authorized by a supervisor. Trained personnel may discharge OC spray in a controlled manner towards a threat area containing numerous individuals if there is a need to create a zone of safety (**Board Review 111**).

According to the NYPD's Department Advocate Office, Chief Monahan retired from service as of



March 29, 2021 (Board Review 112). § 87(2)(g)

Lieutenant Cortes' BWC video and the surveillance video show that a crowd re-formed in front of the barricades and that protesters persisted in throwing objects at officers after the first use of MK-9 OC spray. § 87(2)(g)

**Allegation (AG) Force: At 620 Atlantic Avenue in Brooklyn, Chief Terence Monahan authorized the use of pepper spray against individuals.**

**Allegation (AH) Force: At 620 Atlantic Avenue in Brooklyn, Captain Ronald Ramos authorized the use of pepper spray against individuals.**

**Allegation (AI) Force: At 620 Atlantic Avenue in Brooklyn, Lieutenant Jason Cortes authorized the use of pepper spray against individuals.**

**Allegation (AJ) Force: At 620 Atlantic Avenue in Brooklyn, Police Officer Carl Becker used pepper spray against individuals.**

At the start of PO Becker's BWC video, he is captured standing behind the row of barricades (Board Review 69). At 00:38, a protester picks up and throws a barricade at officers. Officers run into the crowd in pursuit of the protester. PO Becker walks in front of the barricades behind other officers. At 00:49, he raises a blue MK-9 OC spray canister and sprays protesters to the right and in front of him. When the sound on the BWC activates at 01:00, PO Becker is heard saying, "Get back. Back up. Back up. Back up." PO Becker and the other officers begin backing away from the crowd. Objects continue being thrown toward the officers.

This same aspect of the incident is captured in the Barclays Center surveillance video starting at 23:09, when a protester is seen throwing a barricade at officers (Board Review 81). Officers pursue the protester into the large crowd. The camera turns away from the row of barricades to the right. At 23:24, the camera turns back toward the barricade and captures PO Becker using the MK-9 OC spray. The barricades behind PO Becker and the other officers are on the ground and are being picked up by officers.

PO Becker testified that protesters knocked down a line of barricades that had been setup in front of the Barclays Center. Separately, the protesters were throwing bottles and other objects at officers posted in front of the arena. PO Becker was instructed by Lieutenant Cortes that Captain Ramos instructed them to use the MK-9 OC spray against the crowd in order to push the crowd back and to allow officers the opportunity to put the barricades back in place. PO Becker used the MK-9 OC spray against the protesters in front of where the barricades were knocked down. PO Becker was trained regarding the use of the MK-9 OC spray as part of his training to become an SRG bicycle officer.

Force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable given the circumstances. NYPD Patrol Guide, Procedure 221-01.

According to NYPD training materials, MK-9 OC spray can be utilized when danger is perceived or threatened to the bicycle squad and there is no other alternative to ending the threat or danger. The MK9 OC spray can be utilized to create a zone of safety for the bicycle squad. If the MK-9 OC spray is used to disperse a violent and/or tumultuous crowd, this must be authorized by a supervisor. Trained personnel may discharge OC spray in a controlled manner towards a threat area containing numerous individuals if there is a need to create a zone of safety.

According to the NYPD's Department Advocate Office, Chief Monahan retired from service as of March 29, 2021 (**Board Review 112**). § 87(2)(g)

As captured in the BWC and surveillance videos, a crowd re-formed in front of the barricades after the second use of MK-9 OC spray described above, objects continued to be thrown at officers, and specific protesters became particularly aggressive by kicking and throwing barricades. PO Becker's use of MK-9 OC spray occurred after an officer suddenly ran into the large crowd to pursue the protester who threw the barricade, thus breaking the row of barricades that separated the officers from the large crowd and from the other officers who followed behind the first officer. § 87(2)(g)

**Allegation (AN) Untruthful Statement: Captain Ronald Ramos provided a false official statement to the CCRB.**

On October 13, 2020, Captain Ramos testified that officers in front of the Barclays Center used the MK-9 OC spray against protesters. He denied that he issued any instructions to officers to use the MK-9 OC spray. However, as described above, Lieutenant Cortes, PO Morla, and PO Becker all testified that they utilized their MK-9 OC spray against protesters after receiving instruction to do so from Captain Ramos.

A false statement is an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is made. A material fact is a significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences. It is a fact that is essential to the determination of the issue and the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome. Intentionally making a false official statement regarding a material matter will result in separation from the Department, absent extraordinary circumstances. NYPD Patrol Guide, Procedure 203-08 (**Board Review 125**).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been party (Board Review 113-114)
- § 87(2)(b)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- § 87(2)(b)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- PO Goodman has been a member of service for 14 years and has been a subject in seven other CCRB complaints involving 14 allegations, one of which was substantiated.
  - In CCRB 201904872, the Board substantiated a retaliatory arrest allegation and recommended Charges. The NYPD has not yet imposed discipline.
  - § 87(2)(g)  
[REDACTED] Case #202003728 and case #202004426 involved allegations against PO Goodman which were also related to the May 29, 2020 Barclays Center protest. In case #202003729, the Board unsubstantiated an allegation that PO Goodman struck an individual with a baton. In CCRB 202003729, the Board exonerated an allegation of physical force against PO Goodman.
- Lt. Cortes has been a member of service for 17 years and this is the first complaint to which he has been a subject.
- Captain Ramos has been a member of service for 17 years and has been a subject in four other CCRB complaints involving four allegations, none of which were substantiated.  
§ 87(2)(g)
- PO Becker has been a member of service for eight years and has been a subject in one prior CCRB complaint involving one allegation which was not substantiated. § 87(2)(g)  
[REDACTED]

- PO Morla has been a member of service for seven years and has been a subject in two prior CCRB complaints involving two allegations, neither of which were substantiated. § 87(2)(g)
- Inspector Digiacomo has been a member of the service for 27 years and this is the first CCRB complaint to which he has been a subject.
- Chief Monahan was a member of service for 39 years and had been a subject in four prior CCRB complaints involving five allegations, none of which were substantiated. § 87(2)(g)
  - As of the date of this report, Chief Monahan is listed as a subject in nine open CCRB complaints involving multiple incidents related to the Black Lives Matter protests.

### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- According to the NYC Office of the Comptroller, no Notice of Claim was filed by § 87(2)(b) or § 87(2)(b) regarding this incident (**Board Review 117**).
- A Notice of Claim was filed by § 87(2)(b) in which he alleged that he was physically assaulted. Specifically, he alleges that PO Goodman and several other officers grabbed, punched, and hit him with their batons, and that he was pepper sprayed. § 87(2)(b) is seeking redress of \$1 million. No 50-H hearing has been scheduled (**Board Review 118**).
- A Notice of Claim was filed by § 87(2)(b) in which he alleges that he was assaulted during the protest. Specifically, he alleges he was pepper sprayed, thrown to the ground, and handcuffed. § 87(2)(b) is seeking redress of \$1 million. No 50-H hearing has been scheduled (**Board Review 119**).
- According to the Office of Court Administration (OCA), as of July 19, 2021, § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (**Board Review 120-123**).

Squad: 13

Investigator:	<u>Rolando Vasquez</u>	<u>SI Rolando Vasquez</u>	<u>12/15/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Laura Kastner</u>	<u>IM Laura Kastner</u>	<u>12/15/2021</u>
	Signature	Print Title & Name	Date